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CHEN, YI				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/830,175

Applicant(s)

HOULDING ET AL.

Examiner

YI CHEN

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed 6/6/2008 have been fully considered but they are not persuasive.
2. The previously applied objections to claims 9 and abstract are hereby withdrawn in view of applicant's amendment.
3. The previously applied 101 rejections to claim 12-22 are hereby withdrawn in view of applicant's amendment.
4. Applicant begins by arguing, regarding rejection under 35 USC § 101, that applicant has amended independent claim 1 to clarify that the framework is for creating a customized core product to meet a service need specific to the customer that is not met by the core product and to recite that the customized core product includes and functionally utilizes the core product its unaltered form along with any specialized, replacing, or added services. Applicant believes the amendment should be able to overcome the 101 rejection.

The examiner respectfully disagrees with applicant's arguments, because core product, (core product is defined as any item delivered in a product intended for more

than one customer, see specification page 1, [0002], and the product can be web service), and framework, (see specification, page 5, [0018] and figure 2), can be software, per se. The system does not include any hardware. The claim as a whole may be rendered with software.

Second, applicant argues that Robert fails to disclose a framework for creating a customized core product to meet a service need specific to the customer that is not met by the core product such that the customized core product includes and functionally utilizes the core product in its unaltered form along with any specialized, replacing, or added service as required by claim 1. Applicant also argues that once the feature is added to the template (core product), Roberts teaches calling a regeneration service to generate a resulting web service application. Applicant respectfully submits that this process results in a new or different application from the asserted core product rather than a customized core product as required by claim 1. Moreover, the customized core product includes and functionally utilizes the core product in its unaltered form.

The examiner respectfully disagrees with applicant's arguments, because Robert discloses a framework for creating a customized core product to meet a service need specific to the customer that is not met by the core product, (Feature Editing UI template 600 creates new features for template author WSA (core product), as a result, template author WSA is customize), that the customized core product includes and functionally utilizes the core product in its unaltered form along with any specialized, replacing, or added services, (col. 15, lines 12-50, Feature Editing UI template 600 add a new feature, however, the old feature in the template author WSA still exist). Moreover,

template author WSA because the customize core product which consists of new features and old features after template 600 added the new features to the template author WSA.

Third, applicant argues that Robert fails to disclose the feature that the service need is a service need that is not shared by any other customer. The argument is rejected under 35 USC § 103 (a) in view of Ohashi.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-11 and 23 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.

In claim 1, core product, (core product is defined as any item delivered in a product intended for more than one customer, see specification page 1, [0002], and the product can be web service), and framework, (see specification, page 5, [0018] and figure 2), can be software, per se. The system does not include any hardware. The claim as a whole may be rendered with software.

Claims 2-11 and 23 fail to resolve the deficiency of claims 1 and 12 above.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robert et al., (US 6,560,633 B1, hereinafter Robert), in view of Ohashi et al., (US 5,761,309, hereinafter Ohashi).

5. Regarding claim 1, Roberts discloses a system for at least one of specializing, replacing, and adding services of a service oriented architecture, (col. 15, lines 40-50), the system comprising:

a core product for utilization by a customer, the core product being generic in nature, ("Template Author WSA", col. 15, lines 11-26, col. 15, lines 40-50), and intended for use by more than one customer, ("users may select features for creation in a template by using a template author application", col. 14, lines 65-66),

a framework for creating a customized core product to meet a service need specific to the customer that is not met by the core product, (Feature Editing UI template 600 creates new features for template author WSA (core product), as a result, template

author WSA is customize), by at least one of specializing, replacing, and adding services of the core product, (col. 15, lines 40-50), wherein the at least one of specializing, replacing, and adding services does not include alteration of the core product, (col. 16, lines 50-59).

wherein the customized core product includes and functionally utilizes the core product in its unaltered form along with any specialized, replacing, or added services, (col. 15, lines 12-50, Feature Editing UI template 600 add a new feature, however, the old feature in the template author WSA still exist), and

Robert does not disclose the service need is a service need that is not shared by any other customer.

Ohashi discloses the service need is a service need that is not shared by any other customer.

It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Ohashi with the teachings of Robert because they system can protect other people to access some of the network services which contain private information.

6. Regarding claims 2 , Roberts discloses the framework comprises:

an existing service implementation as defined in an XML configuration, (col. 4, lines 1).

a service client for requesting a service implementation, (col. 21, lines 39-52).

a service factory for creating the service implementation, (col. 2, lines 35-40);
and

a service interface for allowing access to the service implementation by the
service client, (fig. 7A, col. 19, lines 10-22).

7. Regarding claims 3, Robert discloses if the existing service implementation is specialized, a new custom service implementation is created, (col. 11, lines 40-55), and the existing service implementation is subclassed, (col. 16, lines 51-58).

8. Regarding claims 4, Robert discloses select methods of the existing service implementation are overridden by the new custom service implementation, (fig. 5, col. 12, lines 55-67; col. 13, lines 1-24).

9. Regarding claims 5, Robert discloses if the existing service implementation is replaced, a new custom service implementation is created and the existing service implementation is replaced with the new custom service implementation, (fig. 5, col. 12, lines 55-67; col. 13, lines 1-24).

10. Regarding claim 6, Robert discloses if a new custom service is added, a new custom service implementation, (fig. 5, col. 12, lines 55-67; col. 13, lines 1-24), a new custom service factory, (col. 21, lines 53-67), and a new custom service interface are created, (col. 22, lines 50-55).

Robert doesn't explicitly disclose a new custom service client is created. It would have been obvious to one skilled in the art at the time of the inventions to realize that the new service is created for a new service client. Therefore, the new service client will be automatically created.

11. Regarding claim 7, Robert discloses at least one middleware for accessing a particular service, ("web browsers", col. 5, lines 23-28).

12. Regarding claim 8, Robert discloses the at least one middleware comprises at least one of Web Services, EJB local access, EJB remote access, local Java call access, and MDB message queue access, (col. 5, lines 19-30).

13. Regarding claim 9, Robert discloses middleware bindings, (network services, col. 2, lines 36), for the at least one middleware are automatically generated during a build operation, (col. 2, lines 35-43).

14. Regarding claim 10, Robert discloses the middleware bindings are generated via templates, (col. 2, lines 35-62).

15. Regarding claim 11, Robert discloses a middleware binding for a new middleware is generated automatically via a new template, (col. 2, lines 35-62).

16. Regarding claim 23, Robert discloses accessing the particular service via the at least one middleware comprises utilizing a client proxy stub, (XML, HTML, MIME encoded, col. 5, lines 20-40).

17. Regarding claims 12-22 and 24, they are method claims corresponding to the machine readable medium claims 1-11 and 23. They are rejected for the same reasons.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YI CHEN whose telephone number is (571)270-3805. The examiner can normally be reached on 8:30AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Caldwell/
Supervisory Patent Examiner, Art
Unit 2142

9/12/2008
Yi Chen